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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/470,424	06/06/1995	OSAMU YOKOMIZO		7423

20457 7590 12/18/2003

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

The Appeal Brief filed 10/26/01 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS: (1) ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; **(2) TWO MONTHS** from the date of the notice of appeal; or **(3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims. 37 CFR 1.192(c)(3).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment. 37 CFR 1.192(c)(4).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters. 37 CFR 1.192(c)(5).
5. ☒ The brief does not contain a concise statement of the issues presented for review. 37 CFR 1.192(c)(6).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - a. ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - b. ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal. 37 CFR 1.192(c)(8).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto. 37 CFR 1.192(c)(9).
9. ☒ Other (including any explanation in support of the above items):
See attachment

As to item 4, the "Summary of the Invention" improperly refers to reference numerals not present in the specification or the drawings (as one example thereof, see page 5 of the brief which refers to a "space 80" as being described in the specification at page 14 line 32 to page 15 line 28 and as shown in Fig. 7A).

The Summary of the Invention in attempting to describe appellants invention, improperly incorporates subject matter from US 4,285,769 (e.g. see page 12 of the brief). Such is improper since this U.S. Patent has not been incorporated by reference into appellants specification.

The Summary of the Invention must contain a concise explanation of the claimed invention, the Summary of the Invention in the brief however, improperly refers to non-claimed disclosure (see for example, the brief on page 5 which refers to all of the coolant supplied to the coolant ascending path, as being introduced into the coolant descending path (claims such as claim 24 do not even refer to the water rod as having a coolant ascending path and a coolant descending path).

As to item 5, a proper statement of an issue would be for example, "Whether claims 24, 26, 29, 40-43, 50, 52, 53, 56-59, 61-63 are unpatentable under 35 USC 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Note particularly that the statement is to be limited to the issues presented and should not include any argument concerning the merits of those issues (see MPEP 1206 under the heading "Issues").

Art Unit: 3641

Additionally, appellants "Issue D" bridging pages 16, 17 of the brief, is incorrect as it includes the references of Japan 0220686 and Japan 0031090 (these two references were not part of the rejection set forth in section 9 on page 7 of the 2/26/01 Office action).

Behrend/kl
February 10, 2003

A handwritten signature in black ink, appearing to read 'H. Behrend', with a large, stylized loop at the end.

**HARVEY E. BEHREND
PRIMARY EXAMINER**